

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the First Amended)	
Accusation Against:)	
)	
)	
MARK DWIGHT WILLIAMS, M.D.)	Case No. 10-2011-219769
)	
Physician's and Surgeon's)	
Certificate No. A 80386)	
)	
Respondent.)	
_____)	

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Medical Board of California, Department of Consumer Affairs, State of California, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on November 26, 2014.

IT IS SO ORDERED October 31, 2014.

MEDICAL BOARD OF CALIFORNIA



By: _____
Dev Gnanadev, M.D., Chair
Panel B

1 KAMALA D. HARRIS
Attorney General of California
2 THOMAS S. LAZAR
Supervising Deputy Attorney General
3 JOSEPH F. MCKENNA III
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8 *Attorneys for Complainant*

9 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the First Amended Accusation
13 Against:

14 **MARK DWIGHT WILLIAMS, M.D.**
15 **2416 W. 116TH Street**
Hawthorne, CA 90250

16 **Physician's and Surgeon's Certificate**
No. A80386,

17 Respondent.

Case No. 10-2011-219769
OAH No. 2014011059

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Kimberly Kirchmeyer ("Complainant") is the Executive Director of the Medical
23 Board of California. She brought this action solely in her official capacity and is represented in
24 this matter by Kamala D. Harris, Attorney General of the State of California, by Joseph F.
25 McKenna III, Deputy Attorney General.

26 2. Respondent Mark Dwight Williams, M.D. ("Respondent") is represented in this
27 proceeding by Stacie L. Patterson, Esq., whose address is: 110 West C St., Suite 2200,
28 San Diego, CA 92101.

1 3. On or about September 6, 2002, the Medical Board of California issued Physician's
2 and Surgeon's Certificate No. A80386 to Mark Dwight Williams, M.D. (Respondent). The
3 Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the
4 charges and allegations brought in First Amended Accusation No. 10-2011-219769 and will
5 expire on September 30, 2014, unless renewed.

6 **JURISDICTION**

7 4. On October 4, 2013, Accusation No. 10-2011-219769 was filed against
8 Respondent before the Medical Board of California (Board), Department of Consumer Affairs.
9 On October 4, 2013, a true and correct copy of Accusation No. 10-2011-219769, and all other
10 statutorily required documents were properly served on Respondent at his address of record on
11 file with the Board which was: 26613 West Hills Drive, Murrieta, CA 92563. Respondent timely
12 filed his Notice of Defense contesting the Accusation No. 10-2011-219769.

13 5. On August 8, 2014, First Amended Accusation No. 10-2011-219769 was filed before
14 the Board and is currently pending against Respondent. On August 8, 2004, a true and correct
15 copy of First Amended Accusation No. 10-2011-219769 was personally served on Respondent at
16 the Office of Administrative Hearings located at 1350 Front Street, San Diego, CA 92101. A true
17 and correct copy of First Amended Accusation No. 10-2011-219769 is attached hereto as Exhibit
18 A and incorporated by reference as if fully set forth herein.

19 **ADVISEMENT AND WAIVERS**

20 5. Respondent has carefully read, fully discussed with counsel, and understands the
21 charges and allegations in First Amended Accusation No. 10-2011-219769. Respondent has also
22 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
23 Settlement and Disciplinary Order.

24 6. Respondent is fully aware of his legal rights in this matter, including the right to a
25 hearing on the charges and allegations in the First Amended Accusation No. 10-2011-219769; the
26 right to confront and cross-examine the witnesses against him; the right to present evidence and to
27 testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of
28 witnesses and the production of documents; the right to reconsideration and court review of an

1 adverse decision; and all other rights accorded by the California Administrative Procedure Act
2 and other applicable laws, having been fully advised of same by his attorney of record, Stacie L.
3 Patterson, Esq.

4 7. Having the benefit of counsel, Respondent hereby voluntarily, knowingly, and
5 intelligently waives and gives up each and every right set forth above.

6 **CULPABILITY**

7 8. Respondent admits the complete truth and accuracy of each and every charge and
8 allegation, separately and severally, in First Amended Accusation No. 10-2011-219769.

9 9. Respondent agrees that his Physician's and Surgeon's Certificate No. A80386 is
10 subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth
11 in the Disciplinary Order below.

12 **CONTINGENCY**

13 10. This Stipulated Settlement and Disciplinary Order shall be subject to approval of the
14 Board. The parties agree that this Stipulated Settlement and Disciplinary Order shall be
15 submitted to the Board for its consideration in the above-entitled matter and, further, that the
16 Board shall have a reasonable period of time in which to consider and act on this Stipulated
17 Settlement and Disciplinary Order after receiving it. By signing this stipulation, Respondent fully
18 understands and agrees that he may not withdraw his agreement or seek to rescind this stipulation
19 prior to the time the Board considers and acts upon it.

20 11. The parties agree that this Stipulated Settlement and Disciplinary Order shall be null
21 and void and not binding upon the parties unless approved and adopted by the Board, except for
22 this paragraph, which shall remain in full force and effect. Respondent fully understands and
23 agrees that in deciding whether or not to approve and adopt this Stipulated Settlement and
24 Disciplinary Order, the Board may receive oral and written communications from its staff and/or
25 the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify
26 the Board, any member thereof, and/or any other person from future participation in this or any
27 other matter affecting or involving Respondent. In the event that the Board does not, in its
28 discretion, approve and adopt this Stipulated Settlement and Disciplinary Order, with the

1 exception of this paragraph, it shall not become effective, shall be of no evidentiary value
2 whatsoever, and shall not be relied upon or introduced in any disciplinary action by either party
3 hereto. Respondent further agrees that should this Stipulated Settlement and Disciplinary Order
4 be rejected for any reason by the Board, Respondent will assert no claim that the Board, or any
5 member thereof, was prejudiced by its/his/her review, discussion and/or consideration of this
6 Stipulated Settlement and Disciplinary Order or of any matter or matters related hereto.

7 **ADDITIONAL PROVISIONS**

8 12. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to
9 be an integrated writing representing the complete, final and exclusive embodiment of the
10 agreements of the parties in the above-entitled matter.

11 13. The parties agree that copies of this Stipulated Settlement and Disciplinary Order,
12 including copies of the signatures of the parties, may be used in lieu of original documents and
13 signatures and, further, that such copies shall have the same force and effect as originals.

14 14. In consideration of the foregoing admissions and stipulations, the parties agree the
15 Board may, without further notice to or opportunity to be heard by Respondent, issue and enter
16 the following Disciplinary Order:

17 **DISCIPLINARY ORDER**

18 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A80386 issued
19 to Respondent Mark Dwight Williams, M.D. (Respondent) is revoked. However, the revocation
20 is stayed and Respondent is placed on probation for five (5) years from the effective date of this
21 Decision on the following terms and conditions.

22 1. **ACTUAL SUSPENSION.** As part of probation, Respondent is suspended from the
23 practice of medicine for forty five (45) days beginning with the first day after the effective date of
24 this Decision.

25 2. **COMMUNITY SERVICE - FREE SERVICES.** Within sixty (60) calendar days of
26 the effective date of this Decision, Respondent shall submit to the Board or its designee for prior
27 approval a community service plan in which Respondent shall, within the first 2 years of
28 probation, provide eighty (80) hours of free nonmedical services to a community or non-profit

1 organization. If the term of probation is designated for 2 years or less, the community service
2 hours must be completed not later than 6 months prior to the completion of probation.

3 Prior to engaging in any community service Respondent shall provide a true copy of the
4 Decision(s) to the chief of staff, director, office manager, program manager, officer, or the chief
5 executive officer at every community or non-profit organization where Respondent provides
6 community service and shall submit proof of compliance to the Board or its designee within 15
7 calendar days. This condition shall also apply to any change(s) in community service.

8 Community service performed prior to the effective date of the Decision shall not be
9 accepted in fulfillment of this condition.

10 3. PROFESSIONALISM PROGRAM (ETHICS) COURSE. Within sixty (60) calendar
11 days of the effective date of this Decision, Respondent shall enroll in a professionalism program,
12 that meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.
13 Respondent shall participate in and successfully complete that program. Respondent shall
14 provide any information and documents that the program may deem pertinent. Respondent shall
15 successfully complete the classroom component of the program not later than six (6) months after
16 Respondent's initial enrollment, and the longitudinal component of the program not later than the
17 time specified by the program, but no later than one (1) year after attending the classroom
18 component. The professionalism program shall be at Respondent's expense and shall be in
19 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

20 A professionalism program taken after the acts that gave rise to the charges in the
21 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
22 or its designee, be accepted towards the fulfillment of this condition if the program would have
23 been approved by the Board or its designee had the program been taken after the effective date of
24 this Decision.

25 Respondent shall submit a certification of successful completion to the Board or its
26 designee not later than 15 calendar days after successfully completing the program or not later
27 than 15 calendar days after the effective date of the Decision, whichever is later.

28 4. PSYCHIATRIC EVALUATION. Within thirty (30) calendar days of the effective

1 date of this Decision, and on whatever periodic basis thereafter may be required by the Board or
2 its designee, Respondent shall undergo and complete a psychiatric evaluation (and psychological
3 testing, if deemed necessary) by a Board-appointed board certified psychiatrist, who shall
4 consider any information provided by the Board or designee and any other information the
5 psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its
6 designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not
7 be accepted towards the fulfillment of this requirement. Respondent shall pay the cost of all
8 psychiatric evaluations and psychological testing.

9 Respondent shall comply with all restrictions or conditions recommended by the evaluating
10 psychiatrist within 15 calendar days after being notified by the Board or its designee.

11 5. PSYCHOTHERAPY. Within sixty (60) calendar days of the effective date of this
12 Decision, Respondent shall submit to the Board or its designee for prior approval the name and
13 qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who
14 has a doctoral degree in psychology and at least five years of postgraduate experience in the
15 diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall
16 undergo and continue psychotherapy treatment, including any modifications to the frequency of
17 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

18 The psychotherapist shall consider any information provided by the Board or its designee
19 and any other information the psychotherapist deems relevant and shall furnish a written
20 evaluation report to the Board or its designee. Respondent shall cooperate in providing the
21 psychotherapist any information and documents that the psychotherapist may deem pertinent.

22 Respondent shall have the treating psychotherapist submit quarterly status reports to the
23 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric
24 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of
25 probation, Respondent is found to be mentally unfit to resume the practice of medicine without
26 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the
27 period of probation shall be extended until the Board determines that Respondent is mentally fit
28 to resume the practice of medicine without restrictions.

Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

6. ANGER MANAGEMENT

Within sixty (60) calendar days of the effective date of this Decision, respondent shall enroll in the (1) anger management course and (2) anger management intensive follow-up program offered by the Physician Assessment and Clinical Education Program (PACE) offered at the University of California - San Diego School of Medicine ("Program"). Respondent shall successfully complete (1) the anger management course and (2) the anger management intensive follow-up program no later than six (6) months after respondent's initial enrollment unless the Board or its designee agrees in writing to an extension of that time.

Respondent shall pay all expenses associated with the clinical training program.

If respondent fails to enroll, participate in, or successfully complete the clinical training program within the designated time period, respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. The respondent shall not resume the practice of medicine until enrollment or participation in the outstanding portions of the clinical training program have been completed. If the respondent did not successfully complete the clinical training program, the respondent shall not resume the practice of medicine until a final decision has been rendered on the accusation and/or a petition to revoke probation. The cessation of practice shall not apply to the reduction of the probationary time period.

7. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership are extended to Respondent, at any other facility where Respondent engages in the practice of medicine, including all physician and locum tenens registries or other similar agencies, and to the Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage to Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15 calendar days.

This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

1 8. SUPERVISION OF PHYSICIAN ASSISTANTS. During probation, Respondent is
2 prohibited from supervising physician assistants.

3 9. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
4 governing the practice of medicine in California and remain in full compliance with any court
5 ordered criminal probation, payments, and other orders.

6 10. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
7 under penalty of perjury on forms provided by the Board, stating whether there has been
8 compliance with all the conditions of probation.

9 Respondent shall submit quarterly declarations not later than 10 calendar days after the end
10 of the preceding quarter.

11 11. GENERAL PROBATION REQUIREMENTS.

12 Compliance with Probation Unit

13 Respondent shall comply with the Board's probation unit and all terms and conditions of
14 this Decision.

15 Address Changes

16 Respondent shall, at all times, keep the Board informed of Respondent's business and
17 residence addresses, email address (if available), and telephone number. Changes of such
18 addresses shall be immediately communicated in writing to the Board or its designee. Under no
19 circumstances shall a post office box serve as an address of record, except as allowed by Business
20 and Professions Code section 2021(b).

21 Place of Practice

22 Respondent shall not engage in the practice of medicine in Respondent's or patient's place
23 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
24 facility.

25 License Renewal

26 Respondent shall maintain a current and renewed California physician's and surgeon's
27 license.

28 ///

1 Travel or Residence Outside California

2 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
3 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
4 (30) calendar days.

5 In the event Respondent should leave the State of California to reside or to practice
6 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
7 departure and return.

8 12. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
9 available in person upon request for interviews either at Respondent's place of business or at the
10 probation unit office, with or without prior notice throughout the term of probation.

11 13. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
12 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
13 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
14 defined as any period of time Respondent is not practicing medicine in California as defined in
15 Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month
16 in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All
17 time spent in an intensive training program which has been approved by the Board or its designee
18 shall not be considered non-practice. Practicing medicine in another state of the United States or
19 Federal jurisdiction while on probation with the medical licensing authority of that state or
20 jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall
21 not be considered as a period of non-practice.

22 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
23 months, Respondent shall successfully complete a clinical training program that meets the criteria
24 of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and
25 Disciplinary Guidelines" prior to resuming the practice of medicine.

26 Respondent's period of non-practice while on probation shall not exceed two (2) years.

27 Periods of non-practice will not apply to the reduction of the probationary term.

28 Periods of non-practice will relieve Respondent of the responsibility to comply with the

1 probationary terms and conditions with the exception of this condition and the following terms
2 and conditions of probation: Obey All Laws; and General Probation Requirements.

3 14. COMPLETION OF PROBATION. Respondent shall comply with all financial
4 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
5 completion of probation. Upon successful completion of probation, Respondent's certificate shall
6 be fully restored.

7 15. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
8 of probation is a violation of probation. If Respondent violates probation in any respect, the
9 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
10 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,
11 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have
12 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
13 the matter is final.

14 16. LICENSE SURRENDER. Following the effective date of this Decision, if
15 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
16 the terms and conditions of probation, Respondent may request to surrender his or her license.
17 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
18 determining whether or not to grant the request, or to take any other action deemed appropriate
19 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
20 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
21 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
22 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
23 application shall be treated as a petition for reinstatement of a revoked certificate.

24 17. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
25 with probation monitoring each and every year of probation, as designated by the Board, which
26 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
27 California and delivered to the Board or its designee no later than January 31 of each calendar
28 year.

1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, Stacie L. Patterson, Esq. I understand the stipulation and the effect
4 it will have on my Physician's and Surgeon's Certificate No. A80386. I enter into this Stipulated
5 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
6 bound by the Decision and Order of the Medical Board of California.

7 DATED: 8 Aug 14

[Signature]
8 MARK DWIGHT WILLIAMS, M.D.
Respondent

9 I have read and fully discussed with Respondent Mark Dwight Williams, M.D., the terms
10 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
11 Order. I approve its form and content.

12 DATED: Aug. 8, 2014

[Signature]
13 STACIE L. PATTERSON, ESQ.
Attorney for Respondent

14
15 ENDORSEMENT

16 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
17 submitted for consideration by the Medical Board of California.

18 Dated: August 8, 2014.

Respectfully submitted,

19 KAMALA D. HARRIS
20 Attorney General of California
21 THOMAS S. LAZAR
Supervising Deputy Attorney General

22 [Signature]
23 JOSEPH F. MCKENNA III
24 Deputy Attorney General

Attorneys for Complainant

25
26 SD2013806174
27
28

Exhibit A

First Amended Accusation No. 10-2011-219769

1 KAMALA D. HARRIS
Attorney General of California
2 THOMAS S. LAZAR
Supervising Deputy Attorney General
3 JOSEPH F. MCKENNA III
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8 *Attorneys for Complainant*

10 **BEFORE THE**
11 **MEDICAL BOARD OF CALIFORNIA**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the First Amended Accusation
14 Against:

15 **MARK DWIGHT WILLIAMS, M.D.**
16 **26613 Weston Hills Drive**
Murrieta, CA 92563

17 **Physician's and Surgeon's Certificate No.**
A80386

18 Respondent.

Case No. 10-2011-219769

FIRST AMENDED ACCUSATION

20 Complainant alleges:

21 **PARTIES**

22 1. Kimberly Kirchmeyer (Complainant) brings this First Amended Accusation solely in
23 her official capacity as the Executive Director of the Medical Board of California, Department of
24 Consumer Affairs, and not otherwise.

25 2. On or about September 6, 2002, the Medical Board of California issued Physician's
26 and Surgeon's Certificate Number A80386 to Mark Dwight Williams, M.D. (Respondent). The
27 Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the
28 charges brought herein and will expire on September 30, 2014, unless renewed.

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Aug 8 20 14
BY [Signature] ANALYST

JURISDICTION

3. This First Amended Accusation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2227 of the Code states:

“(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

“(1) Have his or her license revoked upon order of the board.

“(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

“(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

“(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

“(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

“(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.”

5. Section 2234 of the Code states:

“The board shall take action against any licensee who is charged with

1 unprofessional conduct. In addition to other provisions of this article,
2 unprofessional conduct includes, but is not limited to, the following:

3 “(a) Violating or attempting to violate, directly or indirectly, assisting in or
4 abetting the violation of, or conspiring to violate any provision of this chapter.

5 “...

6 “(e) The commission of any act involving dishonesty or corruption which is
7 substantially related to the qualifications, functions, or duties of a physician and
8 surgeon.

9 “(f) Any action or conduct which would have warranted the denial of a
10 certificate.

11 “...”

12 6. Unprofessional conduct under Code section 2234 is conduct which breaches the rules
13 or ethical code of the medical profession, or conduct which is unbecoming to a member in good
14 standing of the medical profession, and which demonstrates an unfitness to practice medicine.
15 (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.)

16 7. Section 2236 of the Code states:

17 “(a) The conviction of any offense substantially related to the qualifications,
18 functions, or duties of a physician and surgeon constitutes unprofessional conduct
19 within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The
20 record of conviction shall be conclusive evidence only of the fact that the
21 conviction occurred.

22 “...

23 “(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere
24 is deemed to be a conviction within the meaning of this section and Section
25 2236.1. The record of conviction shall be conclusive evidence of the fact that the
26 conviction occurred.”

27 8. Section 2261 of the Code states:

28 “Knowingly making or signing any certificate or other document directly or

1 indirectly related to the practice of medicine or podiatry which falsely represents
2 the existence or nonexistence of a state of facts, constitutes unprofessional
3 conduct.”

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(Conviction of a Crime Substantially Related to the Qualifications, Functions, or Duties of a**
6 **Physician and Surgeon)**

7 9. Respondent has subjected his Physician's and Surgeon's Certificate No.
8 A80386 to disciplinary action under sections 2227 and 2234, as defined by section 2236, in that
9 he has been convicted of crimes substantially related to the qualifications, functions, or duties of a
10 physician and surgeon, as more particularly alleged hereinafter:

11 **2012 Conviction**

12 A. On or about August 13, 2011, at approximately 2151 hours, Richmond
13 Police Department (RPD) Officer A.F. responded to a disturbing the peace call at a
14 residence.

15 B. Upon arrival at the residence, Officer A.F. contacted J.W., respondent's
16 wife. J.W. stated that she and respondent were in the process of getting a divorce,
17 and that respondent was sometimes violent and had been making threats to her
18 over the phone. J.W. also stated that she had a restraining order against
19 respondent, but that respondent was allowed to pick up and drop off their shared
20 children. J.W. was unable to locate a copy of the restraining order. Officer A.F.
21 did not arrest respondent at that time. Officer A.F. and respondent both departed
22 from the residence.

23 C. On or about August 13, 2011, at approximately 2221 hours, Officer A.F.
24 returned to the same residence, on a call of a possible vandalism. Upon arrival at
25 the residence, Officer A.F. observed significant damage to a GMC Yukon (Yukon)
26 parked in the driveway of the residence. Officer A.F. observed that the Yukon's
27 driver's side window and front windshield had been smashed in. Officer A.F. also
28 observed an approximately three foot long shovel with a square metal shovel head

1 in the dirt near the driveway.

2 D. Based upon the observed damage to the Yukon, Officer A.F.
3 interviewed J.W. and her sixteen year old daughter, M.W., about what had
4 transpired since Officer A.F. and respondent departed the scene together,
5 approximately thirty minutes earlier. J.W. stated that respondent immediately
6 returned to the area following Officer A.F.'s previous departure, and that
7 respondent drove past J.W.'s residence multiple times before parking his vehicle
8 directly across the street. Moments after respondent parked his vehicle, J.W. heard
9 the crash of glass breaking outside her residence. J.W., who was in the living
10 room at the time, stated that she ran to the garage and observed through the open
11 garage door respondent raising a shovel and swinging it downward against the
12 Yukon's front windshield. J.W. stated that she watched respondent then get into a
13 vehicle and drive away.

14 E. M.W. stated that she had followed J.W. into the garage where she saw
15 respondent with a shovel in his hand, swinging it downward and smashing the
16 Yukon's front windshield. M.W. told Officer A.F. that she then observed
17 respondent get into a vehicle and drive away.

18 F. Based upon a description of respondent's appearance provided by both
19 J.W. and M.W., Officer A.F. requested other police units to search the area for
20 respondent. On or about August 14, 2011, at approximately 0114 hours, Officer
21 A.F. responded to a location where respondent had been detained by another
22 police unit for a traffic stop. Upon arrival to the location, Officer A.F. questioned
23 respondent and asked him whether J.W. had a restraining order against him, to
24 which, respondent replied: "No." Officer A.F. asked respondent if he had
25 damaged the windows on the Yukon, to which, respondent replied: "Why would I
26 do that? I put about \$20,000 into that car."¹

27 ¹ On March 6, 2013, respondent admitted to Medical Board investigators during an
28 interview that he broke the windows on the Yukon on August 13, 2011.

1 G. Based upon his investigation, Officer A.F. detained respondent,
2 handcuffed respondent, and placed him in the rear of his patrol vehicle. Officer
3 A.F. then contacted J.W. and asked her to bring a hard copy of the restraining
4 order to Officer A.F.'s location. J.W. was again unable to locate a hard copy of
5 the restraining order, so Officer A.F. released respondent.

6 H. On or about September 23, 2011, RPD Detective D.G. interviewed J.W.
7 regarding the report she filed with RPD on August 13, 2011. J.W. provided
8 Detective D.G. with a copy of the restraining order she had against respondent,
9 obtained by J.W. on June 20, 2011, in which respondent and J.W. were each
10 ordered to stay not less than 100 yards away from the residence of the other party
11 other than to exchange minor children, as would be pre-arranged between J.W. and
12 respondent.

13 I. On or about October 18, 2011, Detective D.G. interviewed H.P., a
14 neighbor of J.W.'s, who was at home on August 13, 2011, and witnessed the
15 vandalizing of the Yukon. H.P. positively identified respondent in a photo-lineup
16 as the individual he saw vandalizing the Yukon.

17 J. On or about November 15, 2011, in the case entitled *People of the State*
18 *of California v. Mark Williams*, Superior Court of California, County of Contra
19 Costa, Case No. 309389-5, respondent was charged with 6 counts: Penal Code
20 section 646.9, subdivision (a), [stalking]; Penal Code section 273.6, subdivision
21 (a), [violation of court order]; Penal Code section 594, subdivision (b)(1),
22 [vandalism]; Penal Code section 273, subdivision (a), [cruelty to child by
23 endangering health]; Penal Code section 148.5, subdivision (a), [false report of
24 criminal offense]; and Penal Code section 148.5, subdivision (a), [false report of a
25 criminal offense].

26 K. On or about December 14, 2012, in Case No. 309389-5, respondent was
27 convicted, upon his plea of no contest, to violations of Penal Code section 273.6,
28 subdivision (a), [count 2], and Penal Code section 594, subdivision (b)(1), [count

1 3]. The remaining 4 counts of the complaint were dismissed by the district
2 attorney. As a result of his conviction, respondent was placed on 3 years of formal
3 probation and sentenced to 30 days in jail, to be served under electronic home
4 detention. Respondent was also ordered to attend a 52 week domestic violence
5 course, serve 20 hours of community service, and pay a \$400.00 fine. The court
6 also ordered respondent to comply with a criminal court protective order
7 identifying J.W. as the "protected party."

8 2013 Conviction

9 L. On or about June 2, 2013, at 0507 hours, Stockton Police Department
10 (SPD) Officers were dispatched to a disturbance call at an apartment complex.
11 Upon arrival to the apartment complex, Officer S.S. contacted B.S. (victim) in the
12 parking lot and observed that she had blood marks on her chin, red marks on her
13 chest area that appeared to be a hand imprint mark, and red bruises on her left
14 arm.² B.S. told Officer S.S. that she and respondent had been dating and living
15 together for more than a year. B.S. stated that she and respondent had been in an
16 argument after leaving a bar and, during the car ride home respondent began
17 punching her in the face, several times. B.S. further stated that once they arrived
18 at the parking lot in front of their apartment, respondent again punched her in the
19 face. An anonymous neighbor came to help B.S., at which point B.S. went to the
20 neighbor's apartment and called the police. Officer S.S. along with another SPD
21 officer knocked on respondent's apartment door several times but there was no
22 answer. SPD officers then departed the location and no arrest was made. That
23 same morning, at 0634 hours, SPD officers were dispatched to respondent's
24 apartment due to a report of "a female screaming." Respondent answered the door
25 and B.S. was standing behind him in the apartment. SPD officers handcuffed
26 respondent and placed him in the back of a patrol vehicle. Officer S.S. contacted

27
28 ² An SPD officer took several photographs of the injuries to B.S.'s face, chest, and arms.

1 B.S. to get a statement regarding what had transpired since SPD officers departed
2 the apartment complex earlier that morning. B.S. stated that she had been standing
3 in the parking lot in front of their apartment when respondent saw her and yelled
4 from their apartment, "Come get your stuff, bitch." B.S. went inside their
5 apartment and started to gather her belongings. Respondent then grabbed B.S. and
6 shoved her against a bedroom window and B.S. started to yell for help, at which
7 point respondent let her go. B.S. continued to gather her things until police
8 arrived. Following Officer S.S.'s investigation, he arrested respondent and
9 transported him to county jail where he was booked for violation of Penal Code
10 section 273.5, subdivision (a), [willful infliction of corporal injury on cohabitant],
11 a felony.

12 M. On or about June 5, 2013, in the case entitled *People of the State of*
13 *California v. Mark Dwight Williams*, Superior Court of California, County of San
14 Joaquin, Case No. SM283699A, respondent was charged with a violation of Penal
15 Code section 273.5, subdivision (a), [willful infliction of corporal injury on
16 cohabitant].

17 N. On or about September 3, 2013, in Case No. SM283699A, respondent
18 was convicted, upon his plea of no contest, to an amended count 2, violation of
19 Penal Code section 166, subdivision (c)(1), [violation of a criminal protective
20 order], a misdemeanor. Count 1 was dismissed by the district attorney. As a result
21 of his conviction, respondent was placed on 3 years formal probation and
22 sentenced to 1 (one) day in county jail with credit for time served.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Dishonesty or Corruption)**

25 10. Respondent has further subjected his Physician's and Surgeon's Certificate No.
26 A80386 to disciplinary action under section 2227 and 2234, as defined by section 2234,
27 subdivision (e), of the Code in that he committed an act or acts of dishonesty or corruption, as
28 more particularly alleged hereinafter:

1 A. On or about May 2, 2009, respondent signed a conflict of interest
2 statement for TriWest Healthcare Alliance on which he deliberately failed to check
3 a box identifying himself as an employee of the United States Government, even
4 though respondent was active duty military at the time he signed the statement.

5 B. On or about March 6, 2013, respondent lied to Medical Board
6 investigators during an interview by falsely representing to investigators that
7 vandalism charges filed against him in connection with the August 13, 2011
8 incident had been dropped by the district attorney.

9 C. On or about March 6, 2013, respondent lied to Medical Board
10 investigators during an interview by falsely representing to investigators that he
11 received a "general discharge" from the United States Navy when, in truth and
12 fact, respondent received an "other than honorable" discharge from the Navy.

13 **THIRD CAUSE FOR DISCIPLINE**

14 **(False Representations)**

15 11. Respondent has further subjected his Physician's and Surgeon's Certificate No.
16 A80386 to disciplinary action under sections 2227 and 2234, as defined by section 2261, of the
17 Code, in that he knowingly made or signed documents directly or indirectly related to the practice
18 of medicine which falsely represented the existence or nonexistence of a state of facts, as more
19 particularly alleged in paragraph 10A, above, which is hereby incorporated by reference and
20 realleged as if fully set forth herein.

21 **FOURTH CAUSE FOR DISCIPLINE**

22 **(General Unprofessional Conduct)**

23 12. Respondent has further subjected his Physician's and Surgeon's Certificate No.
24 A80386 to disciplinary action under sections 2227 and 2234, as defined by section 2234, of the
25 Code, in that he has engaged in conduct which breaches the rules or ethical code of the medical
26 profession, or conduct which is unbecoming a member in good standing of the medical
27 profession, and which demonstrates an unfitness to practice medicine, as more particularly
28 alleged hereinafter:

1 13. Paragraphs 9 through 11, above, are hereby incorporated by reference and realleged
2 as if fully set forth herein.

3 14. On or about June 14, 2013, a Petition to Revoke Probation was filed in the
4 Contra Costa County Superior Court by the Contra Costa County Probation Office, which
5 alleged respondent was in violation of the terms and conditions of his probation in Case
6 No. 309389-5. On or about June 14, 2013, a judge of the Superior Court of Contra Costa
7 County reviewed the Petition to Revoke Probation and, there appearing good cause to
8 believe respondent had violated the terms and conditions of his probation in Case No.
9 309389-5, issued a no bail bench warrant for respondent's arrest. On or about August 2,
10 2013, respondent appeared in Contra Costa County Superior Court and waived his rights
11 to a probation revocation hearing and, admitted the truth of the factual allegations
12 described in the Petition to Revoke Probation, as more particularly alleged hereinafter:

13 A. On or about February 15, 2013, respondent was arrested for violations
14 of Vehicle Code section 23103, subdivision (a), [reckless driving], Penal Code
15 section 148, subdivision (a), subsection (1), [resisting arrest], and Vehicle Code
16 section 12951, subdivision (b), [failure to present identification to a peace officer].
17 On this date, California Highway Patrol (CHP) officer D.W. observed respondent
18 driving his vehicle at a high rate of speed, making several unsafe lane changes, and
19 tail-gating other vehicles while in traffic. As a result of respondent's erratic
20 driving pattern, Officer D.W. initiated an enforcement stop of respondent's
21 vehicle. Upon contacting respondent in the vehicle's driver's seat, Officer D.W.
22 requested respondent to produce his identification but respondent refused several
23 times, stating, "No ... I ain't giving you nothing." Officer D.W. advised
24 respondent that he would be arrested if he refused to produce his identification.
25 Respondent replied, "I don't care." Officer D.W. then told respondent he was
26 being arrested for refusal to provide his identification and to exit the vehicle. At
27 this point, Officer D.W. opened the driver's side door and told respondent to exit
28 the vehicle and turn around but respondent refused. Officer D.W. attempted to

1 take control of respondent's left arm in order to place him in handcuffs but
2 respondent tensed up with a balled fist and attempted to take a fighting posture.
3 Officer D.W. pushed respondent against the vehicle and a second CHP officer
4 attempted to gain control of respondent's right arm but respondent continued to
5 struggle and disobey verbal commands to place his arms behind his back. At one
6 point, respondent spun away and appeared to be attempting to throw his balled fist
7 at the officers but Officer D.W. gained control of his left arm and placed it into a
8 handcuff. Respondent continued to struggle with the officers until Officer D.W.
9 gained control of his right arm and placed it in the handcuffs and placed him into
10 custody without further incident. After being placed in handcuffs, respondent
11 stated, "You guys are so wrong. I'm a doctor for San Joaquin. You'll be hearing
12 from my lawyer." After being seated in the back of Officer D.W.'s patrol vehicle,
13 respondent further stated, "All you chippies are going to the back of the line now.
14 No more preferential treatment. You guys are like everyone else now. Stand by."

15 B. On or about June 2, 2013, respondent was arrested for felony domestic
16 violence committed against B.S., his girlfriend and cohabitant at the time of the
17 incident, a violation of Penal Code section 273.5, subdivision (a), [willful
18 infliction of corporal injury on cohabitant], as more particularly alleged in
19 paragraph 9L, above.

20 C. On or about June 2, 2013, J.W., the protected party under Case No.
21 309389-5, received a text message from respondent, which stated, "Your ex
22 husband is out on bail for domestic violence. FYI." Respondent's sending of the
23 text message to J.W. was in violation of the criminal protective order in Case No.
24 309389-5, which included a full stay away order prohibiting any contact with J.W.

25 D. On or about August 2, 2013, after respondent waived his right to a
26 probation revocation hearing and admitted the truth of the factual allegations
27 described in the Petition to Revoke Probation, a Contra Costa County Superior
28 Court judge revoked and reinstated respondent on probation in Case No. 309389-5

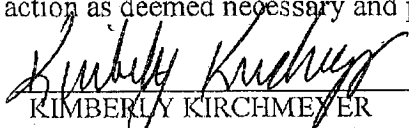
1 and, ordered him to serve ninety (90) days of custody in the county jail.

2 **PRAYER**

3 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
4 and that following the hearing, the Medical Board of California issue a decision:

- 5 1. Revoking or suspending Physician's and Surgeon's Certificate Number A80386,
6 issued to Respondent Mark Dwight Williams, M.D.;
- 7 2. Revoking, suspending or denying approval of Respondent Mark Dwight Williams,
8 M.D.'s authority to supervise physician's assistants, pursuant to section 3527 of the Code;
- 9 3. Ordering Respondent Mark Dwight Williams, M.D. to pay the Board, if placed on
10 probation, the costs of probation monitoring; and
- 11 4. Taking such other and further action as deemed necessary and proper.

12 DATED: August 8, 2014


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant